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**FAX NO.:** 8.1.571.272.8300

**FROM:** J. Paul Plummer (713) 431-7360

**DATE:** July 3, 2008  
**Fax No. (713) 431-4664**

Transmitted by: Monica J. Stansberry

Please call (713) 431-4225 if you do not receive a clear or complete transmission.

**RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**US PATENT APPLICATION NO.: 10/550,406 filed on Sept. 21, 2005ATTORNEY DOCKET NO.: 2003UR016INVENTOR(S): Christine E. KrohnTITLE: SHAPED HIGH FREQUENCY VIBRATORY SOURCE**ENCLOSED:**

Transmittal Form.....	[1 page(s)]
Petition to Revive - Unavoidable .....	[3 page(s)]
Petition Fee Transmittal .....	[1 page(s)]
Copy of Petition Fee Transmittal.....	[1 page(s)]
Declaration in Support of Petition.....	[3 page(s)]
/ .....	[      page(s)]
	[      page(s)]

**TOTAL NUMBER OF PAGES TRANSMITTED:**10*(Including This Cover Page)*

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/550,406
		Filing Date	September 21, 2005
		First Named Inventor	Christine E. Krohn
		Group Art Unit	3663
		Examiner Name	Deandra M. Hughes
Total number of pages in this submission		Attorney Docket Number	2003UR016

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	1. Declaration in Support of Petition (3 pages)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	2.
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT	
Firm Name	ExxonMobil Upstream Research Company
Signature	
Printed Name	J. Paul Plummer
Date	3 July 2008
	Reg. No. 40,775

CERTIFICATE OF TRANSMISSION / MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Signature		Monica J. Stansberry
Date	3 July 2008	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/61 (10-07)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>		Docket Number (Optional) 2003UR016
First Named Inventor: Christine E. Krohn	Art Unit: 3663	
Application Number: 10/550,406	Examiner: Hughes, Deandra M.	
Filed: September 21, 2005		
Title: Shaped High Frequency Vibratory Source		
<p>Attention: Office of Petitions          Mail Stop Petition          Commissioner for Patents          P.O. Box 1450          Alexandria, VA 22313-1450</p> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p> <p><b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</b></p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> <li>(1) Petition fee.</li> <li>(2) Reply and/or issue fee.</li> <li>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and</li> <li>(4) Adequate showing of the cause of unavoidable delay.</li> </ul> <p>1. Petition fee</p> <p><input type="checkbox"/> Small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.          See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Other than small entity - fee \$ <u>500.00</u> (37 CFR 1.17(l)).</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of          Payment of Issue Fee (identify the type of reply):  <input type="checkbox"/> has been filed previously on _____  <input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee of \$ <u>1,440.00</u>  <input type="checkbox"/> has been paid previously on _____  <input checked="" type="checkbox"/> is enclosed herewith.</p>		

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3:57:02 PM [Eastern Daylight Time]\* SVR:USPTO-EFXRF-5/32\* DNIS:2738300\* CSID:713 431 6007\* DURATION (mm:ss):01:50  
 07/10/2008 GFREY1 00000010 10550406

01 FC:1452 510.00 DA

JUL 03 2008

PTO/SB/61 (10-07)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

*J. Paul Plummer*

Signature

July 3, 2008

Date

J. Paul Plummer

Typed or printed name

40,775

Registration Number, if applicable

P. O. Box 2189 (CORP-URC-NW 359)

Address

(713) 431-7360

Telephone Number

Houston, Texas 77252-2189

Address

Enclosure  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unavoidable delay**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

 deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 272-8300.07/03/2008

Date

*Monica Stansberry*

Signature

Monica Stansberry

Typed or printed name of person signing certificate

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PTO/SB/61 (10-07)

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

J. Paul Plummer  
Signature

July 3, 2008

Date

J. Paul Plummer

Typed or printed name

40,775

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

A statement is attached of the facts underlying the failure to timely pay the issue fee of the subject application. The statement is made by the person in the applicant's office who is most familiar with those facts.

The applicant believes these facts are sufficient to support a case of unavoidable abandonment. If the Office determines otherwise, and only in that event, the applicant requests revival for unintentional abandonment under 37 CFR 1.137(b), and in such event, authorization is hereby given to charge Deposit Account 05-1328 for the fee difference of \$1,000.00 between unavoidable and unintentional abandonment.

(Please attach additional sheets if additional space is needed.)

[Page 3 of 3]

JUL 03 2008

PTO/SB/17m (11-04)

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Patent and Trademark Office: US DEPARTMENT OF COMMERCE

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**PETITION FEE  
Under 37 CFR 1.17(l)  
TRANSMITTAL**  
(Fees are subject to annual revision)

Send completed form to: Commission for Patents  
P. O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/550,406
Filing Date	September 21, 2005
First Named Inventor	Christine E. Krohn
Group Art Unit	3663
Examiner Name	Deandra M. Hughes
Attorney Docket Number	2003UR016

Enclosed is a petition filed under 37 CFR 1.137(a) that requires a processing fee (37 CFR 1.17(l)).

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g. Mail Stop Petition), if applicable. *For transmittal of processing fees under 37 CFR 1.17(l), see form PTO/SB/17i.*

**Payment of Fees** (small entity amounts are NOT available for petition fees)

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 05-1328:  
 petition fee in the amount of \$500.00 under 37 CFR 1.17(l)

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 05-1328:  
 payment of Issue Fee in the amount of \$1,440.00

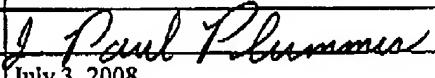
The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 05-1328:  
 any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

Check in the amount of \$ \_\_\_\_\_ is enclosed.

Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information of this form.

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual Name	J. Paul Plummer, Reg. No. 40,775 ExxonMobil Upstream Research Company
Signature	
Date	July 3, 2008

07/10/2008 SSANDAR1 00000002 051328 10550406

01 FC:1501 1440.00 DA

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 52 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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PAGE 6/10 \* RCVD AT 7/3/2008 3:57:02 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-5/32 \* DNIS:2738300 \* CSID:7134316007 \* DURATION (mm:ss):01:50

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**PETITION FEE**  
**Under 37 CFR 1.17(l)**  
**TRANSMITTAL**  
(Fees are subject to annual revision)

Send completed form to: Commission for Patents  
P. O. Box 1450, Alexandria, VA 22313-1460

Application Number	10/550,406
Filing Date	September 21, 2005
First Named Inventor	Christine E. Krohn
Group Art Unit	3663
Examiner Name	Deandra M. Hughes
Attorney Docket Number	2003UR016

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Enclosed is a petition filed under 37 CFR 1.137(a) that requires a processing fee (37 CFR 1.17(l)).

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g. Mail Stop Petition), if applicable. *For transmittal of processing fees under 37 CFR 1.17(l), see form PTO/SB/17i.*

## Payment of Fees (small entity amounts are NOT available for petition fees)

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05-1328 :

petition fee in the amount of \$500.00 under 37 CFR 1.17(l)

The Commissioner is hereby authorized to charge the following fees to Deposit Account No.

05-1328 :

payment of Issue Fee in the amount of \$1,440.00

The Commissioner is hereby authorized to charge the following fees to Deposit Account No.

05-1328 :

any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

Check in the amount of \$\_\_\_\_\_ is enclosed.

Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information of this form.

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	J. Paul Plummer, Reg. No. 40,775 ExxonMobil Upstream Research Company
Signature	<i>J. Paul Plummer</i>
Date	July 3, 2008

**COPY OF ORIGINAL**

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 62 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Christine E. Krohn Office of Petitions  
Appln. No. : 10/550,406 Attorney Docket No.: 2003UR016  
Filed : September 21, 2005 Art Unit: 3663  
Title : Shaped High Frequency Vibratory Source

**DECLARATION BY DEBRA L. PITMAN IN SUPPORT OF  
PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Commissioner for Patents  
Office Of Petitions  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

I hereby declare that:

1. I provide this Declaration in support of the petition for revival of an application for patent abandoned unavoidably under 37 CFR 1.137(a) for the above-identified disclosure.
2. I am a paralegal/support staff supervisor for Exxon Mobil Corporation assigned to ExxonMobil Upstream Research Company. One of my responsibilities is to maintain and replenish Deposit Account 051328. The account is normally replenished on a monthly basis.
3. A deposit in the amount of \$26,305.00 was made to the account on March 12, 2008.
4. On April 4, 2008, the issue fee was faxed for the above-identified application with authorization to charge the required fees to deposit account 051328. The issue fee was

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paid well in advance of the June 3, 2008 due date. The balance in the deposit account was \$591.00 on April 7, 2008 when the USPTO attempted to collect the issue fee from the deposit account. The \$300.00 publication fee was deducted from the account but there were insufficient funds to pay the issue fee of \$1440.00.

5. On April 15, 2008, I became aware that there were insufficient funds in the deposit account to cover fees for items that had been recently filed.

I immediately contacted the Financial Office at the USPTO. I explained the situation and asked if there was any way they could hold any incoming items for payment to that account until the replenishment reached the Office. I was told that the system would not allow them to do that. I then asked if she could provide me with a list of any items that had been returned because of insufficient funds in the account. I was told that the system would not allow that. I then asked if a second attempt would be made to charge the deposit account prior to the items being returned for non-payment of fees. I was told that I would have to call each examiner individually.

6. On April 17, 2008 a deposit of \$56,344.00 was made to the account.

7. We tried to determine exactly what items were filed in the previous one month period that may be returned for lack of payment of the fees. The above-identified application was overlooked as an item that we should re-submit.

8. On July 1, 2008 we received a Notice of Abandonment for Failure to Pay the Required Fee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

7/21/2008

Date

Debra Pitman

Debra Pitman